

# HOUSE BILL No. 1148

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-29-17; IC 9-32-16-1.

**Synopsis:** Vehicle salvaging fees. Makes certain revisions to organize and correct statutes affected by SEA 537-2013, as directed by SEA 537-2013, SECTION 85. Specifies that license fee revenue under the vehicle salvaging law is to be retained by the secretary of state and is not deposited in the motor vehicle highway account. Specifies that a licensing fee that is submitted with an application under the licensing of vehicle salvaging law is nonrefundable. (The introduced version of this bill was prepared by the code revision commission.)

**Effective:** July 1, 2014.

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## Washburne

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January 13, 2014, read first time and referred to Committee on Roads and Transportation.

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Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1148

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A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 9-29-17-5, AS ADDED BY P.L.92-2013,  
2 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2014]: Sec. 5. (a) The fee under IC 9-32-8-2 for a boat dealer  
4 license for each full year is thirty dollars (\$30) for the first place of  
5 business, plus ten dollars (\$10) for each additional place of business.  
6 (b) The secretary of state retains the fees collected under subsection  
7 (a).  
8 **(c) A licensing fee that is submitted with an application under**  
9 **IC 9-32-9 is nonrefundable.**  
10 SECTION 2. IC 9-29-17-7, AS ADDED BY P.L.92-2013,  
11 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2014]: Sec. 7. (a) The fee for an initial license under  
13 IC 9-32-9 is ten dollars (\$10).  
14 (b) The fee for a supplemental license under IC 9-32-9 is five  
15 dollars (\$5).  
16 (c) The fee for a renewal license under IC 9-32-9 is ten dollars



1 (\$10).

2 (d) A licensing fee that is submitted with an application under  
3 IC 9-32-9:

4 (1) is nonrefundable; and

5 (2) shall be retained by the secretary of state.

6 ~~if the application is rejected by the secretary of state.~~

7 SECTION 3. IC 9-29-17-8, AS ADDED BY P.L.92-2013,  
8 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2014]: Sec. 8. (a) The fee for a license for a manufacturer or  
10 a distributor under IC 9-32-11-1 is thirty-five dollars (\$35), including  
11 a factory branch as set forth in IC 9-13-2-97(b)(1). The fees collected  
12 shall be deposited as set forth in IC 9-32-7-3.

13 **(b) A licensing fee that is submitted with an application under**  
14 **IC 9-32-9 is nonrefundable.**

15 SECTION 4. IC 9-29-17-9, AS ADDED BY P.L.92-2013,  
16 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2014]: Sec. 9. (a) The fee for a license for a dealer or an  
18 automobile auctioneer under IC 9-32-11-1 is:

19 (1) thirty dollars (\$30) for the first place of business; and

20 (2) an additional ten dollars (\$10) for each place of business not  
21 immediately adjacent to the first place of business.

22 The fees collected shall be deposited as set forth in IC 9-32-7-3.

23 **(b) A licensing fee that is submitted with an application under**  
24 **IC 9-32-9 is nonrefundable.**

25 SECTION 5. IC 9-29-17-10, AS ADDED BY P.L.92-2013,  
26 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2014]: Sec. 10. (a) The fee for a factory representative, a  
28 distributor representative, a wholesale dealer, a transfer dealer, a  
29 converter manufacturer, or an automotive mobility dealer under  
30 IC 9-32-11-1 is twenty dollars (\$20). The fee for an automotive  
31 mobility dealer who:

32 (1) buys or sells vehicles, or both;

33 (2) sells, installs, or services, offers to sell, install, or service, or  
34 solicits or advertises the sale, installation, or servicing of  
35 equipment or modifications specifically designed to facilitate use  
36 or operation of a vehicle by an individual who is disabled or aged;  
37 or

38 (3) performs acts described in both subdivisions (1) and (2);

39 is twenty dollars (\$20). The fees collected shall be deposited as set  
40 forth in IC 9-32-7-3.

41 **(b) A licensing fee that is submitted with an application under**  
42 **IC 9-32-9 is nonrefundable.**



SECTION 6. IC 9-29-17-12, AS ADDED BY P.L.92-2013, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. (a) The license fee for each offsite sales license issued under IC 9-32-11-11 is twenty-five dollars (\$25). The fees collected shall be deposited as set forth in IC 9-32-7-3.

(b) **A licensing fee that is submitted with an application under IC 9-32-9 is nonrefundable.**

SECTION 7. IC 9-29-17-15, AS ADDED BY P.L.92-2013, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 15. The revenue from the license fees collected under IC 9-32-9 shall be ~~deposited in the motor vehicle highway account under IC 8-14-1.~~ **retained by the secretary of state.**

SECTION 8. IC 9-32-16-1, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) This chapter shall be administered by the secretary.

(b) The secretary:

(1) shall employ employees, including a director, investigators, or attorneys, necessary for the administration of this article; and

(2) shall fix the compensation of the employees with the approval of the budget agency.

(c) It is unlawful for the director or an officer, employee, or designee of the secretary to use for personal benefit or the benefit of others records or other information obtained by or filed with the dealer services division under this article that are confidential. This article does not authorize the director or an officer, employee, or designee of the secretary to disclose the record or information, except in accordance with this chapter.

(d) This article does not create or diminish a privilege or exemption that exists at common law, by statute or rule, or otherwise.

(e) The secretary may develop and implement dealer's and vehicle purchaser's education initiatives to inform dealers and the public about the offer or sale of vehicles, with particular emphasis on the prevention and detection of fraud involving vehicle sales. In developing and implementing these initiatives, the secretary may collaborate with public and nonprofit organizations with an interest in consumer education. The secretary may accept a grant or donation from a person that is not affiliated with the dealer industry or from a nonprofit organization, regardless of whether the organization is affiliated with the dealer industry, to develop and implement consumer education initiatives. This subsection does not authorize the secretary to require participation or monetary contributions of a registrant in an education



program.

(f) Fees and funds accruing from the administration of this article:

(1) described in IC 9-32-7-1(d) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited in the dealer compliance account established by IC 9-32-7-1(a);

(2) described in IC 9-32-7-2(b) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited in the dealer enforcement account established by IC 9-32-7-2(a);

(3) described in IC 9-29-17-14(b)(2), **IC 9-29-17-14(c)(3)**, ~~IC 9-29-17-15~~, and IC 9-32-7-3(2) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited in the motor vehicle highway account under IC 8-14-1;

(4) described in IC 9-32-7-3(3) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited with the state police department, and these fees and funds are continuously appropriated to the department for its use in enforcing odometer laws;

(5) described in IC 9-32-7-3(4) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited with the attorney general, and these fees and funds are continuously appropriated to the attorney general for use in enforcing odometer laws; ~~and~~

(6) described in IC 9-29-1-4(a) shall be accounted for by the secretary and shall be deposited with the treasurer of state to be deposited in the state police building account; **and**

**(7) described in IC 9-29-17-15 shall be retained by the secretary of state.**

Expenses incurred in the administration of this article shall be paid from the state general fund upon appropriation being made for the expenses in the manner provided by law for the making of those appropriations. However, grants and donations under subsection (e), costs of investigations, and civil penalties recovered under this chapter shall be deposited by the treasurer of state in the dealer enforcement account established by IC 9-32-7-2. The funds in the dealer compliance account established by IC 9-32-7-1 must be available, with the approval of the budget agency, to augment and supplement the funds appropriated for the administration of this article.

(g) In connection with the administration and enforcement of this article, the attorney general shall render all necessary assistance to the director upon the request of the director. To that end, the attorney



1 general shall employ legal and other professional services as are  
 2 necessary to adequately and fully perform the service under the  
 3 direction of the director as the demands of the division require.  
 4 Expenses incurred by the attorney general for the purposes stated under  
 5 this subsection are chargeable against and shall be paid out of funds  
 6 appropriated to the attorney general for the administration of the  
 7 attorney general's office. The attorney general may authorize the  
 8 director and the director's designee to represent the director and the  
 9 division in any proceeding involving enforcement or defense of this  
 10 article.

11 (h) The secretary, director, and employees of the division are not  
 12 liable in an individual capacity, except to the state, for an act done or  
 13 omitted in connection with the performance of their duties under this  
 14 article.

15 (i) The director and each attorney or investigator designated by the  
 16 secretary:

- 17 (1) are police officers of the state;
- 18 (2) have all the powers and duties of police officers in conducting
- 19 investigations for violations of this article, or in serving any
- 20 process, notice, or order issued by an officer, authority, or court
- 21 in connection with the enforcement of this article; and
- 22 (3) comprise the enforcement department of the division.

23 The division is a criminal justice agency for purposes of IC 5-2-4-1(3)  
 24 and IC 10-13-3-6.

25 (j) The provisions of this article delegating and granting power to  
 26 the secretary, division, and director shall be liberally construed to the  
 27 end that:

- 28 (1) the practice or commission of fraud may be prohibited and
- 29 prevented; and
- 30 (2) disclosure of sufficient and reliable information in order to
- 31 afford reasonable opportunity for the exercise of independent
- 32 judgment of the persons involved may be assured.

33 (k) Copies of any statements and documents filed in the office of the  
 34 secretary and of any records of the secretary certified by the director  
 35 are admissible in any prosecution, action, suit, or proceeding based on,  
 36 arising out of, or under this article to the same effect as the original of  
 37 the statement, document, or record would be if actually produced.

